

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	15 Cr. 174-02 (LGS)
	:	
-against-	:	<u>ORDER</u>
	:	
LUDWIG ZELAYA ROMERO,	:	
Defendant.	:	
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, on April 16, 2018, Defendant pleaded guilty to (i) conspiracy to import cocaine into the United States and to manufacture and distribute cocaine and (ii) use and carrying of a firearm during and in relation to a narcotics conspiracy. On May 10, 2021, Defendant was sentenced principally to a custodial term of 144 months to run concurrently on both counts;

WHEREAS, on November 26, 2024, Defendant filed a motion for the appointment of counsel and for a sentence reduction pursuant to Amendment 821 to the Sentencing Guidelines, which went into effect on November 1, 2023, and applies retroactively;

WHEREAS, on January 2, 2025, the Probation Department issued a Supplemental Presentence Investigation Report (“Supplemental PSR”), which concludes that Defendant appears to be ineligible for an adjustment of his Guidelines range based on Amendment 821;

WHEREAS, Defendant is ineligible for a “status point reduction” under the changes to U.S.S.G. § 4A1.1 because he did not receive an enhancement for committing these offenses while under a criminal justice sentence;

WHEREAS, Defendant does not meet the criteria to qualify for a “zero-point offender” offense level reduction pursuant to U.S.S.G. § 4C1.1 because Defendant possessed a firearm in

connection with the offense and he received an adjustment under § 3B1.1(b) (Aggravating Role), both of which disqualify him from the reduction under U.S.S.G. § 4C1.1(a)(7) and (10).

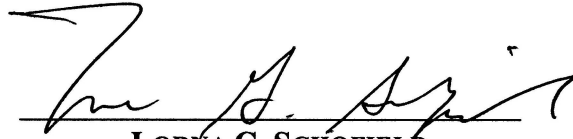
WHEREAS, the Court has considered the record in this case and agrees with the Supplemental PSR that Defendant is ineligible for an adjustment of his Guidelines range based on Amendment 821. It is hereby

ORDERED that Defendant's motion for a reduction of sentence is **DENIED**, and his motion for the appointment of counsel is **DENIED as moot**.

The Clerk of the Court is respectfully directed to terminate the motion at Dkt. No. 613 and to mail a copy of this Order to Defendant at the following address.

Ludwig Criss Zelaya-Romero (Reg. No. 75942-054)
FCI Loretto
Federal Correctional Institution
P.O. Box 1000
Cresson, PA 16630

Dated: April 1, 2025
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE